

### R E M A R K S

Claims 1-9 are pending in this application. In the office action:

1) claim 9 was objected to with respect to the status designation; this has been corrected) (office action, p. 2, ¶ 3); and

2) claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,347,584 (Narisawa) (office action, pp. 2-4).

Reconsideration is respectfully requested.

#### Rejection under 35 U.S.C. § 102(b) (Office Action, pp. 2-4)

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,347,584 (Narisawa). To sustain a rejection based on anticipation under 35 U.S.C. § 102, "the reference must teach every element of the claim." M.P.E.P. § 2131 (8th ed., rev. 2, May 2004), page 2100-73. The M.P.E.P. goes on to state that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting Verdegaai Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The cited reference fails to teach all of the elements of the claims.

In the previous office action, the battery connecting means 25A and 25B of Narisawa were equated with the tab 120 of the applicant's device. In this action, a locking piece 27D is asserted to be the same as the applicant's tab 120. However, the locking piece 27D is also not equivalent to the applicant's claimed tab. Independent claims 1 and 3 require

a tab in the vicinity of the hinge, the tab comprising a portion protruding outwardly from the module and having an orientation generally perpendicular to the peripheral surface, and comprising an upper surface generally coplanar with the lower surface of the module.

Claim 6 recites a nearly-identical structure (substituting "member" for "tab").

Narisawa's locking piece 27D, shown in Figures 4 and 7, is part of the battery door 27, and does not meet the language of the claims for at least several reasons. First, the locking piece 27D does not "protrud[e] outwardly from the module" (equated with the plate-shaped panel portion 23 in Narisawa). Second, the locking piece 27D does not have "an orientation generally perpendicular to the peripheral surface" of the panel portion 23. Third, the locking piece 27D does not have "an upper surface generally coplanar with the lower surface of the module." Fourth, the locking piece 27D is not located "in the vicinity of the hinge" (equated with Narisawa's battery holder support shaft 26). Thus, Narisawa does not anticipate independent claims 1, 3, and 6.

With respect to dependent claims 2, 4, and 7, the locking piece 27D is not "generally coplanar with and adjacent the inside surface of the housing when the module is seated in the opening of the housing, such that the upper surface of the tab opposes the inside surface of the housing." Indeed, for the battery holder 27 to rotate freely on the battery holder support shaft 26, the locking piece 27D cannot interfere with the housing (equated with Narisawa's case 21). Moreover, the locking piece 27D would not oppose removal of the plate-shaped panel portion 23 from the case 21. For at least these reasons, Narisawa does not anticipate the invention claimed in dependent claims 2, 4, and 7.

With respect to dependent claims 8 and 9, Narisawa does not disclose, teach, or suggest "a flange contiguous with the upper surface of the module, where the flange rests on the outside surface of the housing when the module is seated in the opening of the housing." The office action does not identify a specific element of Narisawa as there is no equivalent structure. Narisawa's plate-shaped panel portion 23 itself rests on the edge of the case 21 -- there is no structure in Narisawa "contiguous with the upper surface of the [panel portion 23

that] rests on the outside surface of the [case 21]." For at least this reason, Narisawa does not anticipate claims 8 and 9.


Finally, none of the claims are obvious in view of Narisawa. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." M.P.E.P. § 2143.03 (8th ed., rev. 4, October 2005), p. 2100-139, citing *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) [emphasis in original]. As pointed out with respect to the rejection under § 102, the reference fails to teach all of the elements of the claims, and nowhere is there a teaching or suggestion to modify the structure disclosed in the reference in such a fashion to achieve the applicant's claimed apparatus.

#### Conclusion

The applicant believes that it has responded to all of the issues raised in the office action and submits that all of the pending claims are allowable. Thus, it is respectfully requested that the examiner pass the application to allowance. The examiner is invited to call the undersigned if there are any questions concerning the application.

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Respectfully submitted,

  
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